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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,754	04/02/2004	Gaston de los Reyes	MCA-636 US	1129
25182 MILL I IPOR E	7590 01/11/2008 CORPORATION		EXAMINER	
290 CONCORD ROAD			PHASGE, ARUN S	
BILLERICA, MA 01821			ART UNIT	PAPER NUMBER
			1795	
			MAIL DATE	DELIVERY MODE
			01/11/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)				
	10/816,754	DE LOS REYES ET AL.				
Office Action Summary	Examiner	Art Unit				
	Arun S. Phasge	1795				
The MAILING DATE of this communication appeariod for Reply	pears on the cover sheet with the o	correspondence address				
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING D - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statut Any reply received by the Office later than three months after the mailin earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNICATION 136(a). In no event, however, may a reply be tirwill apply and will expire SIX (6) MONTHS from e, cause the application to become ABANDONE	N. nely filed the mailing date of this communication. ED (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on <u>01 N</u>	November 2007.					
2a) This action is FINAL . 2b) ⊠ This	☐ This action is FINAL . 2b) ☐ This action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
closed in accordance with the practice under	Ex parte Quayle, 1935 C.D. 11, 4	53 O.G. 213.				
Disposition of Claims						
4) ☐ Claim(s) 1-7 and 10-21 is/are pending in the a 4a) Of the above claim(s) is/are withdra 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 1-7, 10-21 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/o	wn from consideration.					
Application Papers						
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) acc Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the E	cepted or b) objected to by the drawing(s) be held in abeyance. Section is required if the drawing(s) is ob	e 37 CFR 1.85(a). ejected to. See 37 CFR 1.121(d).				
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority documen 2. Certified copies of the priority documen 3. Copies of the certified copies of the priority application from the International Burea * See the attached detailed Office action for a list	its have been received. Its have been received in Applicat prity documents have been receive au (PCT Rule 17.2(a)).	ion No ed in this National Stage				
Attachment(s) 1) Notice of References Cited (PTO-892)	4) 🔲 Interview Summary	r (PTO-413)				
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	Paper No(s)/Mail D 5) Notice of Informal F 6) Other:	ate				

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DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

Claims 1-7, 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deguchi in view of Emery of record for reasons of record.

Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deguchi in view of Emery as applied to claims above, and further in view of DiMascio et al. (DiMascio), U.S. Patent 6,284,124.

The Deguchi patent does not disclose the modification to the size of the particles as claimed. The DiMascio patent is cited to show the modification to the change in size to provide the desired result (see col. 7, lines 9-50).

Therefore, the invention as a whole would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the disclosure of the Deguchi patent with the teachings of the DiMascio patent, because the DiMascio patent teaches the selection between the sizes of the particles based upon the desired result.

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Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deguchi in view of Emery as applied to claims above, and further in view of Arba et al. (Arba), US 2002/0144954.

The Deguchi reference does not disclose the monolithic framework as claimed, with the channels and inlets defined therein. The Arba reference is cited to show the use of such a framework to produce the benefits obtained by the use thereof (see examples 1 and 2 on page 4).

Consequently, the invention as a whole would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the disclosure of the Deguchi patent with the teachings of the Arba reference, because the Arba reference discloses the benefits obtained by the use of a monolithic framework in an electrodeionization cell.

Response to Arguments

Applicant's arguments filed 11/1/07 have been fully considered but they are not persuasive.

Applicants argue that the combination of Deguchi with Emery is untenable, because the Deguchi reference "suggests that the lateral flow of water is needed to improve contact efficiency."

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The Deguchi reference does not recite a lateral flow, rather the flow of

water is obliquely and downward to improve contact efficiency. the oblique flow

would not teach away from the presently claimed flow, because the conduits of

Emery would provide the flow to the compartments and the oblique flow can

continue as disclosed in Deguchi.

Applicant's arguments with respect to claims 16-21 are have been

considered but are most in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Arun S. Phasge whose telephone number is

(571) 272-1345. The examiner can normally be reached on MONDAY-THURSDAY,

7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Nam X. Nguyen can be reached on (571) 272-1342. The fax

phone number for the organization where this application or proceeding is assigned

is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Arun S. Phasge

Primary Examiner

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